

Department of Permits Approvals and Inspections  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of  
  
Allen L Davis  
  
Respondent

Civil Citation No. 94869  
  
2601 Taylor Avenue

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on June 22, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 32-3-102, 500.9; Baltimore County Zoning Regulations (BCZR) section 431 Zoning Commissioner's Policy Manual (ZCPM): violation of the Zoning Order dated December 9, 2008 (\$2,000.00 suspended fine); illegal parking of a commercial vehicle on residential property.

On June 7, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$6,600.00 (six thousand six hundred dollars).

The following persons appeared for the Hearing and testified: Allen Davis, Respondent, Doris and Joseph Petri, Complainants and Jeffrey Radcliffe, Baltimore County Code Enforcement Officer.

Testimony was presented that this has been an ongoing situation. A previous violation had been found on 12/9/10 by a previous Hearing Officer for the improper parking of a clearly marked commercial vehicle at the subject residence. The vehicle had then been removed. On a subsequent complaint, the Inspector found an unmarked truck of approximately the same description as that complained of in the 2010 case parked in violation at the same location as the previous matter, in alleged violation of Code.

A Citation was issued on 6/7/11 and a subsequent inspection of the property on 6/20/11 revealed the subject truck parked in the rear of the property.

The Respondent testified that he is employed as a HUD inspector and uses the truck for his personal transportation. He testified that he had been in the midst of resurfacing and sealing his driveway and had parked his vehicle so he would not drive over the affected area during the process. He pointed out that there were no overtly commercial markings on the vehicle.

I have taken note that the vehicle in the present matter bears an uncanny resemblance to the marked commercial vehicle which was the subject of the earlier case. There are also tool and storage bins attached to the vehicle now in question.

Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the \$2,000.00 civil penalty be suspended in full.

IT IS FURTHER ORDERED that the remaining \$2,000.00 civil penalty will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 30<sup>th</sup> day of June 2011

Signed: ORIGINAL SIGNED  
Lawrence M. Stahl  
Managing Administrative Law Judge

**NOTICE TO RESPONDENT:** The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.

LMS/jaf